



PUBLIC NOTICE

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Federal Communications Commission
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DA 04-2337

Released: July 27, 2004

DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF WEBSHOPPE COMMUNICATIONS, INC. TO COLLEGIATE INTERNET COMPANY, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-262

Comments Due: August 10, 2004

Reply Comments Due: August 17, 2004

On July 2, 2004, WebShoppe Communications, Inc. ("WebShoppe"), filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ requesting approval to transfer control of WebShoppe to Collegiate Internet Company, LLC ("CIC" or "transferee") (collectively the "Applicants").²

Applicants assert that this transaction is entitled to presumptive streamlined treatment, pursuant to section 63.03(b)(1)(ii) of the Commission's rules, because the transferee is not a telecommunications provider. Applicants assert, in the alternative, that this transaction is entitled to presumptive streamlined treatment, pursuant to 63.03(b)(2)(i), because (a) the transferee will have less than 10 percent of the interstate, interexchange market following the transfer; (b) local exchange services will be provided in geographic areas served by a dominant local exchange carrier who is not a party to this transaction; and (c) neither of the Applicants is dominant with respect to any service.

Webshoppe is a privately held corporation organized pursuant to the laws of the State of Alabama. Webshoppe is a facilities-based competitive local exchange carrier authorized to provide local exchange, intrastate interexchange, interstate interexchange, and international telecommunications services in the state of Alabama. CIC is a privately held, limited liability

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² Applicants are also filing an application for consent to transfer control of authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

corporation organized pursuant to the laws of the state of Alabama. CIC was organized for the purpose of being an internet service provider. CIC is not a telecommunications provider and has not previously received authority under Section 214. William O. Buchalter owns 93.75% of CIC.

On January 30, 2004, WebShoppe and CIC entered into an Operating Agreement. Upon consummation of the proposed transfer, CIC will own 100% of the outstanding shares of common stock in WebShoppe. WebShoppe will become a wholly-owned subsidiary of CIC, and will continue to operate as a telecommunications services provider under the name WebShoppe Communications, Inc. after the transfer.

The Applicants assert that the proposed transfer of control is in the public interest. Applicants assert that customers will continue to receive the same high-quality service at the same rates, terms and conditions. Significantly, customers should benefit from the proposed transfer, as it will ensure that WebShoppe has the capital necessary to grow and expand its business. The Applicants assert that the proposed transfer of control will also improve WebShoppe's overall financial condition by replacing high-cost debt with lower cost debt, improving cash flow and thus enabling realization of significant economic and marketing efficiencies. The Applicants state that WebShoppe will then be able to compete more effectively and efficiently in the competitive telecommunications marketplace, by offering high-quality, cost-effective services.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments on or before August 10, 2004 and reply comments on or before August 17, 2004.**³ Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31st day after the date of this notice.⁴ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get

³ See 47 C.F.R. § 63.03(a).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: www.bcpweb.com; phone: 202-488-5300 fax: 202-488-5563;

- (1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (2) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 3-C403, Washington, D.C. 20554; e-mail: kimberly.jackson@fcc.gov;
- (3) Julie Veach, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C124, Washington, D.C. 20554; e-mail: julie.veach@fcc.gov;
- (4) Christopher Killion, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: chris.killion@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail www.bcpweb.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, or Kimberly Jackson at (202) 418-7393.

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